

August 3.

ATTORNEY DISCUSSED MEANING OF BAYS IN TREATY OF 1818.

Showed Where Great Britain Concurred in United States Claim.

Latter Also Sustained By Writers on International Law.

(From Our Special Correspondent.)
Charles B. Warren, Esq., of Detroit, one of counsel for the United States in the North Atlantic coast fishery arbitration now before the permanent court of arbitration at The Hague, has just closed a masterly presentation of the United States' side of question five of the special agreement between Great Britain and the United States. "From where must be measured the 'three marine miles of any of the coasts, bays, creeks or harbors referred to in the article one of the treaty of 1818?'"

Mr. Warren began his argument on Tuesday afternoon, July 6, opening this question for the United States and closing it on the following Monday afternoon.

Throughout his whole presentation he confined himself closely to the facts in evidence and their application to question five, and so ably, earnestly and logically did he address himself at all times to the task at hand, that throughout all the days of his argument he held the closest attention of the tribunal and opposing counsel.

In opening counsel disclaimed any fear as expressed by one of the counsel for Great Britain that the recognition of the claim of the United States by the tribunal would result in difficulties and disputes in every part of the world. In fact the claim of the United States had been practically acknowledged by Great Britain in May, 1845, when it was stated in a note from Lord Stanley that His Majesty's government proposed to regard as bays those inlets of the sea which measure from headland to headland at their entrance the double distance of three miles within which it will still be prohibited to the fishermen of the United States to approach the coast for the purpose of fishing.

Counsel also quoted Professor Westlake, until recently professor of international law at the University of Cambridge, England, and at one time president of the Institute of International Law to the effect that bays which have an entrance not exceeding six miles in width, no matter how widely they may expand, belong to the adjoining state.

Contending Claims of the Two Nations.

Counsel compared carefully the counter claims of the governments on the matter, quoting freely from the British case as presented to the commission which claimed that the word bays in the treaty meant all those waters which at the time everyone knew as bays, and the term bays in the renunciatory article of the treaty includes all tracts of water which were known as bays in 1818 and that the three marine miles must be measured from a line drawn between the headlands of those waters.

For the American side counsel claimed that the words "of His Britannic Majesty's dominions in America," transferred from the treaty of 1783, were equivalent to the other limiting phrases. The notes in the possession of the respective plenipotentiaries disclosed no demand for the surrender of the historic rights of the American fishermen in the great outer bays. There had never been any discussion on such extended jurisdiction and the American plenipotentiaries stated that "their instructions did not anticipate that any new terms or restriction would be annexed to the proposals made by the American government prior to the meeting of the regulations."

Jurisdiction Over Large Outer Bays Never Claimed by Great Britain.

The American case further claims that the extent of the "bays, creeks or harbors of His Britannic Majesty's dominions in America" could not be determined except by agreement between the two nations provided there was to be any extension beyond the admitted jurisdiction within the three mile limit.

Counsel said there had been no claim of jurisdiction over the larger outer bays on the part of Great Britain and he asked the counsel for Great Britain to point out in the documents before the tribunal where any claim of extended jurisdiction over bays as such was made in that period as against the fishermen of the United States by Great Britain, and of which the United States was ever notified.

On the contrary it was beyond dispute understood that the bays, creeks and harbors of His Britannic Majesty's dominions in America were those within the British limits, and therefore necessary six marine miles or less in width, thus comprehending the waters close upon the shores sought to be closed against the vessels of the United States.

Position of the United States.

The position of the United States is, in that respect, that wanting a specific assertion of extended jurisdiction over bodies of water outside the acknowledged three mile limit, the only bays that could have been understood to have been included, and could within the comprehension of the negotiators have been understood to have been included, were those bays lying landward of the three-mile line determined upon by the terms of the treaty itself.

And so during the negotiations, the records of the negotiations will be searched in vain for any assertion of jurisdiction over bays as against the fishermen of the United States and presented and made to the United States, larger or greater in extent than those bays found within the three mile limit.

The Three Mile Limit Outside the Bays.

Continuing, Mr. Warren took up the matter of the three mile limit outside of bays and said that when the line was drawn following the sinuosities of the coast, the lines coming from opposite directions would meet a point three miles from each shore of a bay six miles wide and therefore the line across six mile bays was a natural one. The three-mile-from-land rule excluded the fishing vessels from such bays, creeks or harbors, as it would be impossible to enter them without passing through waters within three miles from the coast at the entrance.

That is, instead of opening a space of water to constant contention among fishermen, the negotiators of the treaty extended the three mile line opposite the entrance of all bays to the six mile or less base as though the lines across those bays were continuations of the shore line. If this had not been done there would have been a triangular shaped body of water over which endless complications would have arisen, because a sailing vessel would have been tacking back and forth in a space of water where there was not room for it to even make a tack and come about without invading the acknowledged territorial waters of Great Britain.

Line as Drawn Was a Concession to Great Britain.

In reply to questions by the president of the tribunal, Mr. Warren said that the waters within the triangle were admitted to be territorial waters even though some points were without the three mile limit. American fishermen would be excluded from fishing within such triangle, which was a concession made to Great Britain by the words of the treaty.

At the request of Sir Charles Fitzpatrick, a member of the tribunal, Mr. Warren illustrated the claim of the United States by a chart, using St. George's bay, Newfoundland, and Bay Chaleur as illustrations.

Bays More Than Six Miles Wide Open Waters and Part of High Seas.

By the terms of the treaty of 1783, the subjects of the United States enjoyed, co-extensively with the subjects of Great Britain, all rights of fishing except the right to dry and cure fish on the shores of Newfoundland, and there was no question raised about the extent of the jurisdiction over bays as such, nor was there between that time and 1812, because from the time of the making of the treaty until the War of 1812, the subjects of the United States had, in common with the subjects of Great Britain, under clause three of that treaty, the right to fish in all the bays, creeks and harbors of whatever size no matter whether claimed to be within or without the jurisdiction of Great Britain.

Sir Charles Fitzpatrick—And that right was renounced by the treaty of 1818—is that it?

Mr. Warren—Not at all. Between the treaty of 1783 and the negotiation of the treaty of 1818 the jurisdiction of Great Britain as to bays came to be defined, as I shall show before this discussion is over, and when the treaty of 1818 was drawn the negotiators knew what Great Britain was claiming as to the extent of territorial bays.

Judge Gray—I understand then that when you say that the consequence of the British position is that the United States, by the treaty of 1818 renounced the right to fish on the high seas, to a certain extent, you mean that those bays which were more than six miles wide at their mouths were open waters and part of the high seas. Is that it?

Mr. Warren—That is part of it. But the government of Great Britain do not limit their claim here to territorial waters, but extend their claim to what they are pleased to call geographical waters and they fail to discuss and refuse to discuss the question of the jurisdiction of Great Britain over bays, as understood between the negotiators prior to the treaty of 1818, in contradistinction to the want of any discussion after the treaty of 1783.

August 4.

SWORDFISH LARGEST CAUGHT.

One Taken by Sch. Olivia Sears Weighed 917 Pounds Before Dressing.

The swordfish landed at T wharf by sch. Olivia Sears yesterday, is thought to be the largest ever brought to Boston. The fish weighed 550 pounds when dressed, and 917 pounds when taken from the water. The sword was 4 feet long, and weighed 23 pounds.

John F. Perry of the schooner's crew, harpooned the fish 43 miles northeast of Thatcher's island, the Illyrian entering straight to the spine and producing almost instant death. Had Perry failed to make a good cast, the struggle to land the big fish would have been a hard one, as many a fish weighing less than 200 pounds has wrecked dories sent out to bring it in. The fish was more than twice the size of an ordinary swordfish.

Halibut Sales.

The fare of fresh halibut of sch. Cavalier was sold to the New England Company at 5 1-2 cents right through, and that of sch. Senator was bought by the same company at 8 cents per pound for white and 6 cents for gray.

The fare of sch. Colonial sold to the American Halibut Company at 8 cents per pound for white and 6 cents per pound for gray.

Fishing Fleet Movements.

Schs. Bohemia, Rex, Muriel and Gov. Russell arrived at Canso Monday last and cleared for the fishing ground.

August 4.

SOLD HALIBUT AT AUCTION.

Portland Dealer Raised Price on Boston Representative.

Portland is fast coming to the front as a fishing and distributing port for all kinds of fresh fish, and the halcyon days when Portland owned and fitted out a large fleet of vessels and shipped its products to various ports of the country seems about to return. Portland dealers appear to be alive to the situation, and are putting forth all legitimate efforts to restore their old-time prestige in the fishing business. Recently large quantities of halibut have been sold there which realized good returns.

To show how they are competing for a part of this traffic an illustration was given Monday last, when sch. Yakima, Capt. Robert Wharton, of this port, arrived there. He found waiting on the pier to greet him, Fred Harty, formerly of this city, who is buying fish for Boston parties.

"I will give you 10 cents right through," said Harty.

"If you want those halibut," said a Portland buyer, "You will have to pay for them, Harty, and I will raise your offer to 10 1-2 cents."

The Boston representative waited a minute and made a further bid to 11 cents.

"That is first rate," said the Portland man, "and I am glad to see you so generous toward the hardy fishermen, so I will give 11 1-4 right through."

The Boston man appeared to be dumbfounded, while Capt. Wharton said nothing, only looked on at the fun.

"Well," said Harty, "I will call up Boston by phone and let you know what I shall do further."

"But it is an old saying that 'delays are dangerous,' so Capt. Wharton sold them at the latter offer, without any more ceremony. Thus ended this halibut auction sale, the first one ever seen in Portland.

The trip comprised 18,000 pounds of halibut, 6,000 pounds of cusk and 10,000 pounds of hake, on which a good stock of \$2400 was realized and the crew shared \$59 each.

August 4.

HIGH LINE OF SWORDFISHERMEN

Sch. Albert W. Black Now Leads Portland Fleet.

Unless some other skipper beats him later on Capt. Granville Johnson of the sch. Albert W. Black, will have the distinction of being high liner of the Portland swordfishers. He returned to Portland Tuesday in his craft and brought back word that in two trips, both of which were landed in Boston he had stocked \$2100.

Monday the Black arrived in Boston with her second trip of the big fish. She had 40 in that lot and as Capt. Johnson struck the market when it was near its highest level he received 20 cents a pound for the fare. This trip alone gave the schooner \$1400. The previous trip into the Hub gave the schooner enough to bring the total up to \$2100.

Yesterday the skippers along the waterfront were congratulating Capt. Johnson on his good luck. He was regarded as all the more fortunate in view of the fact that the swordfishing season has generally been regarded as a failure. Very few of the craft that have been out after them have brought back enough even to meet expenses. Others have fared better. The Brnie and Bessie, another of the Portland fleet, returned there last week reporting a stock of \$2200, but that figure was for both mackerel and swordfish, fully half of which was made with the former variety.

Others of the Portland fleet are still out and word is expected from them at any time. As the swordfishing season does not end until the middle of September, the chances are good that even Capt. Johnson's figures for two trips may be bettered. If they are, the market will still have to preserve its abnormally high rate which prohibits the fish from being landed in Portland.

HALIBUT FROM DAVIS STRAIT.

Sch. Cavalier Home From Trip to the Far North.

Sch. Cavalier, Capt. Robert B. Porper, arrived last evening from a far north fresh halibut trip and is the first arrival of a Gloucester vessel which has penetrated that Arctic region this season.

Capt. Porper, after procuring ice and bait at Queensport and Arichat, N. S., proceeded around the south coast of Newfoundland and out by the Belle Isle, then up north to latitude 55.10, where the anchor was let go, and trawls set. No heavy fishing was found, but it was fairly good, and a trip of 50,000 pounds was secured.

The weather up there this season was remarkably fine, owing to the absence of field ice, but several large bergs were seen, one estimated at 150 feet high, and as large as Ten Pound Island.

It was very thick about all the time and the polar current set at the rate of three knots southeast about all the time. The weather more than compared favorably with that of former years. At night when the fog lifted, and stars shone, it was a sight to see the brilliancy of the northern lights, they being so bright at times when passing over the vessel that one could sit on the house and read a paper.

Capt. Porper reports speaking most of the fitchers, all of whom had lost more or less gear, and were using rocks for anchors.

Sch. Grayling had 80,000 pounds, sch. Essex 80,000 pounds, sch. Romance, 10,000 pounds, sch. Fannie A. Smith 20,000 pounds, taken in three sets, and sch. Admiral Dewey, 20,000 pounds.

The passage home and south of Newfoundland was made in eight days.

No accident had taken place among the fleet except the loss of gear, so far as he could learn.

August 4

FOUR SEINERS ARRIVE EMPTY.

Balance of Shore Fleet Will Soon Close Fishery.

Four more seiners have arrived without fish so no encouraging mackerel news is received today from the New England coast. It will be only a short time when all the shore seiners will be time when all the shore seiners will be vessels will probably not get out again and so the mackerel fishing on this coast and from this part will close.

How many vessels will go to North Bay depends upon crews. Capt. Solomon Jacobs in sch. Georgia, sailed yesterday for Bay of St. Lawrence, making two of the seining fleet which have already gone, in addition to one schooner fitted with hooks and lines, sch. Ralph L. Hall will doubtless go and a few others. Reports from that section are favorable for some good fishing down there this summer and fall, for mackerel in fairly good quantity are being taken at various places on the Nova Scotia and Prince Edward Island coast.

August 4.

Fouled Atlantic Cable.

Capt. Fred Thompson of sch. Dictator, which arrived today, reports fouling the Atlantic telegraph cable in latitude 42.10, longitude 65.55, and cut his cable, in order not to destroy the wire, thereby losing 140 fathoms.

August 4.

FISH RECEIPTS 800,000 LBS.

Two Dory Handliners Help Swell the Amount.

The receipts of fish at this port today show a slight improvement, but it is not all that is desired. The arrivals this morning with fish were sch. Cavalier with 50,000 pounds of fresh halibut, sch. Eugenia from a handline drifting trip with 80,000 pounds of salt cod, and sch. William H. Moody from Georges with 15,000 pounds of salt cod. The two latter vessels are of the Sylvanus Smith & Co. fleet.

Two more of the dory handline fleet arrived during the forenoon, schs. Annie Parker, with 250,000 pounds of salt cod and sch. Tattler with 200,000 pounds, which materially increased the day's receipts.

Sch. Romance with 180,000 pounds of salt fish and 10,000 pounds of fresh fish and sch. Dictator with 140,000 pounds of fresh fish and 10,000 pounds of salt fish, together with sch. Senator with 30,000 pounds of halibut, also came in this forenoon, which all together make the receipts the largest for any one day, in a long time.

The arrivals and receipts in detail are:

Today's Arrivals and Receipts.

Sch. Cavalier, Davis Strait, 50,000 lbs. halibut.

Sch. Eugenia, Western Bank, 80,000 lbs. salt cod.

Sch. William H. Moody, Georges, 15,000 lbs. salt cod.

Sch. Saladin, seining.

Sch. Pinta, seining.

Sch. Olivia Sears, via Boston.

Steamer Joppaite, via Boston.

Sch. Tattler, Quero Bank, dory handlining, 200,000 lbs. salt cod.

Sch. Annie M. Parker, Quero Bank, dory handlining, 250,000 lbs. salt cod.

Sch. Dictator, LeHave Bank, 140,000 fresh mixed fish, 10,000 lbs. salt cod, 1000 lbs. halibut.

Sch. Romance, Western Bank, 180,000 lbs. salt cod, 10,000 lbs. fresh cod.

Sch. Senator, Grand Bank, 30,000 lbs. halibut.

Sch. Pontiac, seining.

Sch. Aloha, seining.

Sch. Colonial, Georges, 15,000 lbs. salt cod, 5000 lbs. halibut, 60,000 lbs. fresh cusk.

Vessels Sailed.

Sch. Harmony, haddocking.

Sch. Francis J. O'Hara, shacking.

Sch. Conqueror, shacking.

Sch. Arcadia, dory handlining.

Sch. Little Fannie, Boston.

Today's Fish Market.

Handline Georges cod, large, \$4 per cwt.; medium, \$3.37½.

Trawl Georges cod, large, \$3.75 per cwt.; medium, \$3.25.

Trawl bank cod, large, \$3.35 per cwt.; medium, \$3.

Drift Georges cod, large, \$3.75 per cwt.; medium, \$3.37½.

Salt cusk, large, \$2.50 per cwt.; medium, \$2.

Salt haddock, \$1.25 per cwt.

Salt hake, \$1.25 per cwt.

Salt pollock, \$1.25 per cwt.

Dory handline cod, large, \$3.75 per cwt.; medium, \$3.37 1-2.

Splitting prices for fresh fish:

Western cod, large, \$2.25 per cwt.; medium, \$1.75.

Eastern cod, large, \$1.90 per cwt.; medium, \$1.55; snappers, 60 cts.

Western Bank cod, large \$2.12 1-2 per cwt.; medium, \$1.65.

Cusk, large, \$1.60 per cwt.; medium, \$1.20; snappers, 50 cts.

Haddock, \$1 per cwt.; hake, \$1.05 per cwt.; dressed pollock, 75 cts. per cwt.; round pollock, 70 cts. per cwt.

EXTENDED JURISDICTION NOT CLAIMED BY GREAT BRITAIN.

Correspondence Clearly Shows Sovereignty Was Not Considered.

Wording of Treaty Sustains Claim of United States.

Continuing the discussion of the term "bays" before The Hague tribunal in the hearing on the North Atlantic fisheries question, Hon. Mr. Warren in behalf of the United States showed that it had not been the position of the government of Great Britain to lay claim as against the fishermen of the United States to any part of the high seas, disregarding of course now the nature of the right of Great Britain to the triangular shaped bodies of water previously referred to.

Counsel said it was perhaps because the view which he was about to present to the tribunal had been expressed at various times on behalf of the government of Great Britain that their position regarding their rights in the North Atlantic ocean on this question of the extent of territorial waters has never been seriously enforced against the fishing vessels of the United States.

The British case says that this question of bays has not been discussed since 1888, but the nature of the orders prior to that time were in accordance with the construction now contended for by the United States.

Construction of the United States Adopted by Great Britain.

Counsel further said it would appear also that there was no dispute between the two governments regarding the construction of the treaty material to this question for over 20 years after the signing of the treaty of 1812, so there was a period of 20 years or more immediately following the signing of the treaty when the construction of the United States was adopted by Great Britain, and there has also been a period of about 20 years immediately preceding this submission during which construction of the United States of this clause of the treaty has been concurred in by Great Britain.

It will also appear that this question of the extent of territorial waters was at no time, prior to the acute differences of 1905 between the two governments, concerning altogether different clauses of the treaty of 1812, a subject of controversy between the United States and Great Britain representing the colony of Great Britain.

Later Instructions Issued But Never Enforced.

Afterwards both the British and Canadian governments without any reservation whatever issued instructions excluding United States fishing vessels only from those waters found within a line drawn from shore to shore at the part where the body of water first contracted to the width of ten miles. These instructions were never put in force, first, because of the system of granting licenses which prevailed after the termination of the reciprocity treaty in 1854, and secondly, when the system of granting licenses was terminated in 1870, the government of Great Britain insisted quite different orders should be put in force which were not in conflict with the position of the United States.

The position of Great Britain is that these are geographical bays, that territorial jurisdiction is in no wise involved, that they do not have to prove what the extent of the territorial jurisdiction was admitted to be by the United States prior to 1812, but they are permitted to take some map, not referred to in the treaty, or they are permitted to call in people who reside in these districts concerning which arbitration is, and have these people determine the question of British jurisdiction.

United States Not Seeking to Wrest New Right From Newfoundland.

This is no new question now presented, where the United States, no matter what its population, is seeking to wrest from the people of the colony of Newfoundland, no matter what its population is, a right which has recently been suggested to the people of the United States because of its value, but it is a great historical possession of the nation, and was so considered prior to 1782, by the subjects of Great Britain residing in the territory subsequently becoming a part of the United States, and was so considered in the negotiations of 1814 and in the negotiations of 1818.

After this Treaty of 1783, the fisheries henceforth belonged, in part, I say, to the colonies which had declared their independence. The possession of this fishery was intermingled with the early struggles for independence, and its possession now became a part and parcel of the national property, under the terms of—not by virtue of the treaty of 1783—but acknowledged as a part of the national property, by the treaty of 1783.

These fisheries were from thenceforth to be enjoyed in common. From the time of this treaty acknowledging the independence of the United States until after the war of 1812, the people of the United States enjoyed these fisheries along all the coasts, as I have stated, comprehending bodies of water of whatever dimensions. The government of Great Britain

Made No Claim Over Large Bodies of Water

adjacent to the shores of the British possessions bordering the North Atlantic against the fishing vessels of the United States.

It is most apparent that no exclusive possession could be claimed as against the people of the United States by Great Britain on the one hand, or that no exclusive right to the enjoyment of the fisheries by the subjects of Great Britain could be acquiesced in by the inhabitants of the United States on the other hand; for it is an undisputed fact, and these documents on both sides will be searched in vain for anything that contradicts that fact that from 1783 until the war of 1812, the people of the United States enjoyed these fisheries in all the bays, creeks and harbors of the North Atlantic coast, wherever resorted to by British fishermen.

The divergence in the views of the two powers as to the continuation of the liberty of the inhabitants of the United States under the second part of article three of the treaty of 1783 arose after the termination of the war of 1812. The difference referred to in the preamble of the treaty of 1813, which the negotiators of that treaty of 1818 undertook to compose, emerged entirely from this divergence in the views of the two governments as to the effect of the war of 1812 upon the second clause of the treaty of 1783.

Question of Jurisdiction Not Raised Till Treaty of 1818.

These differences between the two governments arose entirely from the assertion on the part of the government of Great Britain that American fishing vessels could not dry and cure fish within the exclusive British sovereignty, and from the claim of the United States on the other hand that all the rights recognized by the treaty of 1783 were still to be enjoyed by the inhabitants of the United States irrespective of the war of 1812.

This brought into question at once and for the first time the determination of the extent of the exclusive British jurisdiction in respect to the fisheries. This is why counsel stated that in reply to a question by the British counsel that the bays mentioned in the treaty of 1783 had no connection with the bays mentioned in the treaty of 1818, because in 1783 there was no attempt to define the jurisdiction of Great Britain, whatever it may have been, inasmuch as the fishermen of the United States had the right to approach the shores in all of the bays, creeks and harbors of whatsoever extent.

United States Recognized by Great Britain at the Close of the War.

Mr. Warren then quoted from the interview after the war of 1812 had closed between Earl Bathurst and John Quincy Adams, then minister to Great Britain in which the latter claiming that a certain part of the article in the treaty of 1783 had been abrogated by the war of 1812, said, "that Great Britain could not permit the vessels of the United States to fish within the creeks and close upon the shores of the British territories, so on the other hand it was by no means her intention to interrupt them in fishing anywhere in the open sea or without the territorial jurisdiction, a marine league from the shore."

Taking up the diplomatic correspondence, he then showed that this interview and a formal note from Mr. Adams were the basis upon which the negotiations were conducted and were the only things considered in the instructions to their representatives given by both governments, and the terms exclusive British jurisdiction, British limits, maritime limits and exclusive sovereignty of Great Britain were used by the representatives of the two governments and subsequently by the negotiators in the sense and in accordance with the definition given to these terms in the interview between Lord Bathurst and as stated by the letter of Mr. Adams to Lord Bathurst.

In these notes and interviews is found a statement of the position of Great Britain. They constitute the statement of the British claim. American fishing vessels would not be allowed to fish within the creeks and close upon the shores of the possessions of Great Britain in North America; nor would the government of Great Britain interrupt fishing beyond a marine league from the shore. Close upon the shores were the creeks and waters within the territorial jurisdiction of Great Britain and the sea, a marine league from the shores was not within the exclusive territorial jurisdiction of Great Britain. As stated by Mr. Bagot, within the British limits lay the creeks and harbors close upon the shore and within the maritime limits, he stated later, the interdicted waters. Beyond a marine league from the shore all is open sea.

Question Different Under Claim of Extended Jurisdiction.

It is asserted that the war of 1812 abrogated the liberty of American fishing vessels within the territorial jurisdiction of Great Britain, which was stated to extend three marine miles from the shore, and within which lay the harbors and creeks close upon the shores that were thereafter to be closed to the fishing vessels of the United States. Counsel said he wished to ask the Tribunal: If the government of Great Britain had been advancing a claim to exclusive jurisdiction in respect of the fisheries over large areas of water extending many miles from the shore, would the claim have been stated in the terms employed by Lord Bathurst, that thereafter the vessels of the United States would not be permitted to fish within the creeks and close upon the shores of the British territories; nor would they be interrupted in fishing without the territorial jurisdiction a marine leagues from the shores?

Thereafter, when Lord Castlereagh, or Lord Bathurst, or Mr. Bagot, on the part of the government of Great Britain, and Mr. Monroe and Mr. Rush, on the part of the United States, and, as stated, later, when the negotiations of the treaty of 1818 used the terms "territorial jurisdiction," "exclusive jurisdiction of Great Britain," "maritime limits" within the British limits, within the limits of the British Sovereignty, and "His Britannic Majesty's Dominions in America," they referred to a jurisdiction over the sea extending only three marine miles from the shores of the possessions of Great Britain in North America, and only bays, creeks and harbors found therein were included.

No claim of extended jurisdiction over bodies of water known by the name of bays was advanced during these negotiations in behalf of Great Britain as against the fishing vessels of the United States. Learned counsel, when opening in behalf of Great Britain, criticised the statement in the argument of the United States at page 124, which reads:

"Lord Bathurst and Mr. Adams had, without controversy, understood that the territorial jurisdiction extended a marine league from the shore, within which lay the creeks and waters close upon the shores denied to the fishing vessels of the United States, as clearly disclosed by the notes, which, placed subsequently in the hands of the negotiators in 1818 became the basis of the negotiations and virtually the measure of their respective powers."

The reason Lord Bathurst and Mr. Adams so understood the extent of the exclusive territorial jurisdiction of Great Britain was because Lord Bathurst had so stated the claim of Great Britain in the interview just brought to the attention of the Tribunal and about which the president has made an enquiry. Lord Bathurst made no claim to extended jurisdiction over bodies of water known to the public or to geographers as bays but only asserted that the fishing vessels of the United States would not be permitted to fish within the creeks and close upon the shores of the British territories and would not be prevented from fishing without the territorial jurisdiction of a marine league from the shore.

August 4.

SOME BIG TRIPS AT T WHARF.

Sch. Georgiana and Trawler Spray Have Leading Fares.

Another big batch of arrivals is at Boston today, which made large receipts and weakened prices, with such a large supply of fresh fish, prices, however, remain all that can be expected.

The steamer Spray, only out three days is in again with a good fare mostly haddock, which commodity is bringing a fair price.

Sch. Georgianna has the largest fare, having a total of 114,000 pounds of fish, including 85,000 pounds of hake and 20,000 pounds of cod; 15,000 pounds of cusk and 4000 pounds of haddock.

The amount of fish at Boston today will doubtless exceed demand, so that some of them will have to go to the splitters.

Tomorrow will probably see another large number of vessels in, which have been out some time, so that the market for the remainder of the week will be well supplied and prices as usual will decline. However, prices now compare more favorable than that of a corresponding period of last year, when the fishermen had some difficulty to dispose of their fares at Boston for immediate use. But as receipts of salt fish at Gloucester are light there will be no trouble in meeting with immediate disposal for curing.

The fares and prices in detail are:

Boston Arrivals.

Sch. Matiana, 8000 haddock, 6000 cod.
Steamer Spray, 38,000 haddock, 2500 cod.
Sch. Genesta, 11,000 haddock, 9000 cod, 1000 hake.
Sch. Gracie, 3000 cod, 2500 pollock.
Sch. Little Fannie, 12 swordfish.
Sch. George H. Lubee, 20,000 cod.
Sch. Morning Star, 1500 cod.
Sch. Priscilla, 19 swordfish.
Sch. Mary T. Fallon, 14,000 haddock, 7000 cod.
Sch. Warren M. Goodspeed, 30,000 haddock, 2500 cod, 18,000 hake.
Sch. Teresa and Alice, 13,000 haddock, 3000 cod, 7000 hake.
Sch. Rebecca, 2500 haddock, 26,000 cod.
Sch. Washakie, 6000 haddock, 37,000 cod, 7000 hake.
Sch. Athena, 12,000 haddock, 10,000 cod.
Sch. Seaconnet, 20,000 cod, 9000 7000 cusk.
Sch. Georgianna, 4000 haddock, 20,000 cod, 85,000 hake, 15,000 cusk.
Sch. Regina, 24,000 haddock, 9000 cod, 24,000 hake.
Sch. Arbitrator, 1000 haddock, 18,000 cod.
Sch. Annie and Jennie, 31 swordfish.
Sch. Rose Cabral, 4000 haddock, 12,000 cod.
Sch. Motor, 52 swordfish.
Sch. Elizabeth W. Nunan, 10,000 cod, 60,000 hake, 5000 cusk.
Haddock, \$2 to \$2.50 per cwt.; large cod, \$3; market cod, \$1.75 to \$1.80; hake, \$1 to \$1.25; pollock, \$2 to \$2.50; swordfish, 14 1-2 cts. per lb.; halibut, 9 cts. per lb.

August 5.

Will Use Power to Hoist Fish.

Heretofore except on the steam-trawler Spray, the unloading of the fish from the vessels at T wharf, Boston, has been done by hand, two men hoisting the baskets from the hold. Capt. Frank Nunan has just put a two-horse power engine on sch. Elizabeth W. Nunan, to take the place of the men in hoisting out the fish. The engine is put beside the wheel box, where it takes up very little space. On Wednesday it was tried for the first time and worked so well that the 80,000 pounds of fish in the hold of the schooner was taken out in four hours about half the time it would have taken a hand. Capt. Nunan is one of the progressive young captains and one of the successful ones, and should his engine work as well in the future there is no doubt other captains will introduce them on their vessels.

August 5.

FEW SEINERS YET TO ARRIVE.

Mackerel Season Poorest in History of the Business.

Mackerel, so far as the New England shore is concerned will soon be a thing of the past for the present season. Only a few more seiners remain out and unless something favorable turns up they will go out of commission on their arrival.

Two seiners and one banker have already sailed for North Bay and sch. Ralph L. Hall will probably go today. Whether any more will go depends upon the securing of crews, for it is hard to obtain men to go mackerel fishing at this time.

It looks now as if this season would go down in history as the leanest in the mackerel fishery since its inception nearly 100 years ago.

Mackerel From Nova Scotia.

Steamer Prince George, which arrived at Boston from Yarmouth, N. S., yesterday, brought among her cargo, 75 barrels of large fresh mackerel.

August 5.

Praise American Herring Captains.

Judge Prowse writes to the Standard of Empire to say that American herring captains are notorious smugglers and give the authorities considerable trouble. The people of the West Coast resent this statement as being entirely untrue. American captains are no more disposed to break the law than those of other nations. It will need more than the crazy writings of Prowse to alienate the friendship which Newfoundlanders have always held for Americans—no matter how the question at The Hague is decided.—Bay of Islands, N. F., Western Star.

August 5.

Has Halibut and Salmon.

Word has been received that sch. Angie B. Watson, which was for some years in the Boston market fleet, is on her way home with a large catch of halibut and salmon. The latter is something new for the fishing vessels, but it is not a surprise as several salmon have been taken on the line recently by vessels fishing about the halibut grounds.

August 5.

Codfish Sales.

The fare of salt and fresh cod of sch. Romance was sold to George Perkins & Son.

August 5.

FISH ARRIVALS AGAIN SLACK.

Dory Handliner and Trip From Boston the Only Receipts.

Receipts of fish today are confined to the dory handline trips of sch. Georgie Campbell with 160,000 pounds, and sch. Teazer, via Boston with 40,000 pounds of fresh mixed fish. But as there are a number of vessels due, some of them will doubtless arrive during the day.

The shore boats continue to find poor fishing and what they bring in are disposed of for immediate use.

The arrivals and receipts in detail are:

Today's Arrivals and Receipts.

Sch. Georgie Campbell, Quero, 160,000 lbs. salt cod.
Sch. Teazer, via Boston, 40,000 lbs. fresh fish.
Sch. Annie and Jennie, via Boston.

Vessels Sailed.

Sch. Appomattax, drifting.
Sch. Patriot, drifting.
Sch. Emily Cooney, shacking.
Sch. Emily Sears, swordfishing.
Sch. Reliance, swordfishing.
Sch. Edith, haddocking.
Sch. Ralph L. Hall, seining.

Today's Fish Market.

Handline Georges cod, large, \$4 per cwt.; medium, \$3.37½.
Trawl Georges cod, large, \$3.75 per cwt.; medium, \$3.25.
Trawl bank cod, large, \$3.35 per cwt.; medium, \$3.
Drift Georges cod, large, \$3.75 per cwt.; medium, \$3.37½.
Salt cusk, large, \$2.50 per cwt.; medium, \$2.
Salt haddock, \$1.25 per cwt.
Salt hake, \$1.25 per cwt.
Salt pollock, \$1.25 per cwt.
Dory handline cod, large, \$3.75 per cwt.; medium, \$3.37 1-2.
Splitting prices for fresh fish:
Western cod, large, \$2.25 per cwt.; medium, \$1.75.
Eastern cod, large, \$1.90 per cwt.; medium, \$1.55; snappers, 60 cts.
Western Bank cod, large \$2.12 1-2 per cwt.; medium, \$1.65.
Cusk, large, \$1.60 per cwt.; medium, \$1.20; snappers, 50 cts.
Haddock, \$1 per cwt.; hake, \$1.05 per cwt.; dressed pollock, 75 cts. per cwt.; round pollock, 70 cts. per cwt.

Fishing Fleet Movements.

Sch. William T. Reed, swordfishing, arrived at Liverpool, N. S., on Tuesday.
Schs. Elector and Madonna arrived at Shelburne, N. S., on Tuesday last and cleared for the fishing ground.
Sch. Gladiator arrived at Canso on Tuesday last.
Schs. Bohemia and Governor Russell sailed from there the same day.
Sch. Volant of this port put into Shelburne on her way to the fishing grounds. Master being sick wished medical treatment.
Sch. William E. Morrissey put into Shelburne the first of the week to take on board some of her crew who had been waiting for her. Among them was Oscar Firth, who was highline on her the first trip.